



County of Los Angeles

CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.co.la.ca.us>

DAVID E. JANSSEN
Chief Administrative Officer

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Fifth District

June 2, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

STATE LEGISLATIVE UPDATE

Pursuit of County Position on Legislation

AB 1141 (Diaz), as introduced on February 21, 2003, would amend the Meyers-Milias-Brown Act relating to employee-employer relations and agency shop agreements to allow confidential and supervisory employees to be included in an agency shop.

The Meyers-Milias-Brown Act authorizes a local public agency and an employee organization that has been recognized as the exclusive or majority bargaining agent to negotiate an agency shop agreement. A recognized employee organization can put an agency shop into effect without a negotiated agreement by: 1) a signed petition of 30 percent of the employees in the applicable bargaining unit requesting an agency shop agreement and an election to implement an agency fee arrangement, and 2) the approval of a majority of employees who cast ballots and vote in a secret ballot election in favor of the agency shop agreement. Existing law prohibits agency shop agreements from being applied to management, confidential and supervisory employees.

CAO Employee Relations staff recommend that the County oppose AB 1141 and indicate that the County's confidential and supervisory employees have crucial roles in implementing the County's bargaining position and agreements with regard to employee unions. **Therefore, our Sacramento advocates will oppose AB 1141.** Opposition is consistent with previous County positions to oppose legislation that would have upset the balance of labor-management relations such as AB 2006 (Cedillo) in 2001-02 which would have imposed new binding arbitration rules in place of County-adopted procedures, and SB 383 (Burton) in 2001-02 which would have imposed new impasse procedures in lieu of the County's Employee Relations Ordinance (ERO).

If AB 1141 is enacted, 18 supervisory bargaining units in the County could call for agency shop elections. The measure could potentially undermine the County's negotiating position by requiring certain employees to participate in an agency shop while fulfilling management functions in labor relations. AB 1141 could also increase the potential for organization of managerial employees who are in policy making positions.

AB 1141 passed the Assembly on May 27, 2003 on a 46 to 29 vote and is currently in the Senate. It is sponsored by the Peace Officers Research Association and is supported by the California Association of Sanitation Agencies, California Organization of Police and Sheriffs, California State Employees Association and the California-Nevada Conference of Operating Engineers. It is opposed by the California State Association of Counties, League of California Cities, Madera County Board of Supervisors and the City of Lakewood.

Status of County-Interest Bills

County-supported SB 21 (Machado), which would require various State agencies to develop guidelines for implementing Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act, a \$3.44 billion water bond act approved by the voters in November 2002, was heard by the Senate Appropriations Committee on May 29, 2003 and held under submission. A Committee staff report states that the Department of Water Resources has estimated its four-year costs for implementing SB 21 at \$1.58 million, and the State Water Resources Control Board has estimated their four-year costs at \$720,000. The Department of Health Services has not estimated its costs. According to staff for the Committee, the bill is not being held because of these cost implications. Instead, they are waiting until the budget is adopted, then SB 21 language can be incorporated into a trailer bill.

County-opposed SB 537 (Romero), which would have prohibited the County from allowing the Puente Hills Materials Recovery Facility to exceed the currently approved daily limit of 4,000 tons by more than five percent, was amended on May 28, 2003. The portions of the bill which the County opposed were deleted in their entirety. The bill now simply requires the Los Angeles County Sanitation Districts to prepare a report by July 1, 2004. The Department of Public Works reports that SB 537 no longer has any impact on the County. **Therefore, our Sacramento advocates will not actively oppose the bill.** SB 537 was re-referred to the Senate Appropriations Committee, but a new hearing has not been scheduled.

Assembly Appropriations Committee Actions

The following bills passed the Assembly Appropriations Committee Suspense File on May 28, 2003 and now proceed to the Assembly Floor:

County-supported AB 83 (Corbett) would require water bottlers, water vendors and retail water facilities to prepare and distribute annual consumer confidence reports. AB 83 was amended on April 28, 2003 to specify a method for the distribution of the consumer confidence report and exempt water haulers from the report requirement, as requested by the Board.

County-opposed AB 231 (Steinberg) would, among other provisions, eliminate the Statewide Fingerprint Imaging System.

County-opposed AB 968 (Correa) would establish a workers' compensation presumption of job relatedness for an adverse reaction, injury, disability or death of an employee as a result of a vaccination or medication administered to prevent transmission of, infection by, or exposure to, a biomedical substance or blood-borne infectious disease.

County-opposed AB 1470 (Vargas) would allow IHSS provider wages to be increased through a voter initiative. AB 1470 was amended to set forth the following criteria which must be met before the initiative can be placed on the ballot: 1) the employer of record and the employee organization have reached an impasse and impasse procedures have been exhausted; and 2) a fact finder has been appointed to determine the amount of county funds available outside of realignment accounts, to pay for the proposed wage increase. Our Sacramento Advocates will continue to oppose the bill.

County-supported AB 1483 (Richman) would require that every physician who treats and evaluates injured workers be certified as a Qualified Workers' Compensation Physician.

County-opposed AB 1531 (Longville) would require three elections, two primary and one General, in presidential election years.

On May 28, 2003 the following bills were held on the Assembly Appropriations Committee's Suspense File:

County-supported AB 87 (Bogh) would establish the Workers' Compensation for Disaster Service Workers Fund in the State Treasury to ensure that there will be no interruption in benefits paid to injured volunteer workers.

County-opposed AB 136 (Kehoe) would extend the workers' compensation leave of absence maximum benefit of full salary from one to two years for police officers, sheriffs, or firefighters.

County-opposed AB 206 (Richman) would define the powers of State and local health authorities during a declared public health emergency.

County-supported AB 261 (Maddox) would grant the District Attorney the option to charge illegal pharmaceutical dealers with either a misdemeanor or a felony. The author's staff indicates that Assembly Member Maddox intends to pursue the bill again next year.

Senate Appropriations Committee Actions

The following bills passed the Senate Appropriations Committee's Suspense File on May 29, 2003 and now proceed to the Senate Floor:

County-supported SB 2 (Burton), which previously would have required employers to provide health care coverage for eligible employees, was amended to state the Legislature's intent to require employers to provide health coverage for their employees and dependents.

County-supported SB 24 (Figueroa) would simplify enrollment procedures for the Medi-Cal and Healthy Families Programs for pregnant women, newborn infants and other children.

County-supported SB 921 (Kuehl) would provide health insurance coverage for all California residents through a single payer approach.

On May 29, 2003 the following bills were held on the Senate Appropriations Committee's Suspense File:

County-opposed SB 430 (Johnson), which requires three elections, two primary and one General, in presidential election years.

County-opposed SB 465 (Soto) which would allow for expansion of transit villages and weaken current redevelopment law that curbs abuse.

County-opposed SB 629 (Soto), which extends the blood-borne infectious disease presumption to certain licensed health care professionals. The Department of Finance (DOF) registered its opposition to SB 629 and it is expected that if it passes both houses and is sent to the Governor, he will veto the bill based upon DOF's opposition.

Each Supervisor
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We will continue to keep you advised.

DEJ:GK
MAL:MS:zo

c: Executive Officer, Board of Supervisors
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 Legislative Strategist
 Coalition of County Unions
 California Contract Cities Association
 Independent Cities Association
 League of California Cities
 City Managers Associations